REMARKS/ARGUMENTS

Claims 1-17, 20-21 and 23-24 remain cancelled.

Support for each amended claim is found at the originally filed claims and throughout the originally filed specification.

No new matter is believed to have been added.

The indefiniteness rejection of Claims 40-41 is believed to be obviated by the amendment of Claims 40 and 41 to replace the phrase "The composition of" with the phrase "The method of." Withdrawal of the indefiniteness rejection is respectfully requested.

The obviousness rejection of Claims 18-19, 22, 25-36 and 39-41 as being unpatentable over Martin in combination with Norwegian Shark Oil ("NSO") is respectfully traversed because Martin, taken as a whole, in combination with NSO, does not describe or suggest all of the features of present Claim 18 and the claims depending therefrom.

Present Claim 18 is drawn to a method of reducing skin damage(s) induced by UV light by orally administering a composition comprising diacylglyceryl ether represented by the formula (I), triglyceride and squalene. As described in present Claim 18, specified skin damage(s) induced by UV light can successfully be reduced by oral administration of the composition in present Claim 18. Applicants respectfully submit that Martin, taken as a whole, and NSO, either alone or in combination, do not describe or suggest reducing skin damage(s) induced by UV light by orally administering the composition described in the method of present Claim 18.

A reason to combine references, description or suggestion of all claim elements, and expectation of success are basic parts of an obviousness rejection (see MPEP 2143).

At the outset, Applicants respectfully submit that Martin does not describe or suggest all of the elements of present Claim 18, and that Martin provides no expectation of success for the method of present Claim 18.

As described in the Official Action at page 4, "Martin does not particularly disclose skin cancer induced by UV light, formation of pigmented spots induced by UV light, formation of freckles induced by UV light, formation of wrinkles induced by UV light, formation of verrucae induced by UV light, and formation of erythemia induced by UV light as recited in Claims 32-36." Applicants therefore submit these UV light induced conditions, which are also listed in present Claim 18, are therefore not described or suggested by Martin and that NSO, in adding dosage amounts, does not remedy the deficiency of Martin. Withdrawal of the obviousness rejection is requested on this basis alone.

However, the Office has further argued, at pages 5-6 of the Official Action, that Martin nevertheless describes or suggest the method of present Claim 18. Applicants respectfully disagree.

Martin at column 22, lines 11-14, describes "The wound healing compositions may also be used in ingestible products to protect and increase the resuscitation rate of erosions, stomach ulcers, and hemorrhages in the gastric mucosa."

Thus, Martin clearly describes that Martin's ingestible products are intended to treat or prevent selected diseases of selected body internal organs by directly contacting the interior surface of these organs (e.g., contacting the stomach lining).

Further, the Office has described, at page 3 of the Official Action, that "The composition [of Martin] can be used to treat erythema caused by diapers...and protecting skin from UV light damage" (column 21, lines 48-49).

Applicants respectfully submit, however, it is apparent from the context of the paragraph that contains lines 48-49 in column 21 of Martin, and the following paragraph, that Martin's protection from UV light damage arises from topical skin care products that directly contact the skin.

Column 21, lines 29-34 of Martin, describes that "For example, the therapeutic wound healing compositions may be used in topical skin care products to protect and increase the resuscitation rate of skin tissue such as in the treatment of various dermatological disorders such as kyperkeratosis, photo-aging, and sunburn photoreactive processes."

Martin, at column 21, lines 39-40, describes that "The addition of the wound healing composition of the present invention to a lotion provides a source of antioxidants to the skin which would protect the skin from harmful effects of UV light, chemicals, and severe drying." This sentence precedes the sentence cited by the Office at page 2 of the Official Action that contains the use "Protecting the skin from UV light" (see Martin, column 21, lines 48-49).

Immediately following the Martin's disclosure of the use of "Protecting the skin from UV light," Martin further describes, in the next paragraph, that "The topical therapeutic wound healing compositions ...." (see Martin, column 21, line 52).

Thus, Martin starts by citing the addition of the wound healing composition to a lotion. Next, Martin discloses the use of protection of the skin from UV light. Finally, Martin describes "The topical therapeutic wound healing compositions ..."

Applicants submit this layered sentence structure of lotion, use, and topical composition clearly shows that the use of protection of the skin from UV light is, according to Martin, to be accomplished through topical skin care products such a lotions.

Further, as shown by, for example, Study 3, columns 47-48 of Martin, wherein the composition of Martin was topically applied to mice wounds, or in for example Study 2, columns 44-45 of Martin, wherein the composition of Martin was applied directly to cells, Martin's composition works by direct contact to the affected area.

Moreover, at column 21, lines 52-55, Martin, in another example of applying Martin's composition directly to an affected area, describes "The topical therapeutic wound healing compositions my also be used orally in the form of a mouth wash or spray to protect and accelerate the healing of injured oral tissue such as mouth sores or burns." Applicants submit, consistent with Martin's other disclosures, that Martin's topical composition is contacted directly with the mouth sores or burns and it is this direct contact that provides benefit.

Applicants therefore submit that the composition of Martin, whether applied topically to the skin, or taken orally, is intended to treat skin or tissue by direct contact, as shown by, for example, the use of a topical composition applied to the skin for protection from UV light, the use of an internally taken composition to protect, by direct contact, surfaces of the stomach or esophagus, and the use of a topical composition applied directly a mouth sore or burn.

Accordingly, Applicants submit that Martin does not describe or suggest the method of present Claim 18 of orally taking a composition to reduce UV light induced skin damage(s), and that Martin provides no expectation of success that an orally taken composition would reduce UV light induced skin damages, because it is clear from Martin that any benefit derived from Martin's composition comes from directly contacting an affected area with Martin's composition (e.g., directly contacting the skin with a lotion, directly contacting the stomach lining with the composition). NSO, in supplying dosages, does not remedy the deficiencies of Martin.

Withdrawal of the obviousness rejection is respectfully requested.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully submitted,

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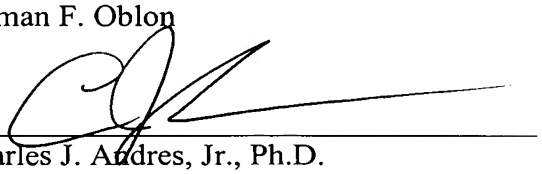

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